

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY RAY DENNY, JR.,

Defendant.

CR-18-81-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 14, 2021. (Doc. 115.) Larry Deny Jr. (Denny) filed an objection on April 27, 2021. (Doc. 116.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on April 13, 2021. (Doc. 113.) The United States accused Denny of violating his conditions of supervised release by 1) by failing to report to his probation officer as directed; 2) by failing to report for substance abuse treatment; 3) by committing another crime; 4) by consuming alcohol; 5) by failing to follow the instructions of his probation officer; 6) by using methamphetamine; and 7) by failing to complete his substance abuse

treatment program. (Doc. 110.) At the revocation hearing, Denny admitted to violating the terms of his supervised release 1) by failing to report to his probation officer as directed; 2) by failing to report for substance abuse treatment; 3) by consuming alcohol; 4) by failing to follow the instructions of his probation officer; 5) by using methamphetamine; and 6) by failing to complete his substance abuse treatment program. (Doc. 113.) Judge Johnston found the violations Denny admitted are serious and warrant revocation of Denny's supervised release. Judge Johnston recommended Denny should be incarcerated for 5 months, with 26 months of supervised release to follow. (Doc. 115.)

Denny now opposes Judge Johnston's Findings and Recommendations, objecting to the length of his sentence of imprisonment of five months that Judge Johnston recommended. (Doc. 116.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Denny's objection. The undersigned conducted a revocation hearing on May 5, 2021. (Doc. 118.) Denny and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations. Denny's violations of his conditions represent a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Denny's supervised release and commit him to the custody of the Bureau of

Prisons for 5 months. (Doc. 115 at 4.) Judge Johnston further has recommended a term of 26 months of supervised release. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Denny's objection is denied. Judge Johnston's Findings and Recommendations (Doc. 115) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Larry Ray Denny, Jr. be sentenced to custody of the Bureau of Prisons for a term of 5 months, with 26 months of supervised release to follow.

DATED this 5th day of May, 2021.



Brian Morris, Chief District Judge
United States District Court

